

2018-2019 Elk Hunting Seasons and Quota Range, Justifications

Species: Elk

Region: 1, 2, 3, 4, 5 & 6

Hunting District: Numerous

Year: 2017

1. Describe the proposed season / quotas changes and provide a summary of prior history.

FWP proposes to adopt elk season structure for the 43 hunting districts that had shoulder seasons in 2016 on an annual basis rather than biennial to facilitate evaluation of their efficacy and revisiting their adoption on a 3-year cycle. This will affect the following hunting districts for the 2018-19 license year:

Region 1: 101, 109

Region 2: 210, 212, 213, 215, 217, 290, 291, 292, 298

Region 3: 312, 390, 393

Region 4: 411, 412, 421, 422, 423, 445, 446, 449, 451, 452,

Region 5: 502, 510W, 511, 520NW, 530, 540, 560N, 570, 575, 580, 590N

Region 6: 620, 621, 622, 630, 631, 632, 680, 690

This change would facilitate either continuing or ending any of these shoulder seasons following harvest criteria evaluation in August for the 2019 license year.

Shoulder seasons were first adopted in 2016 and followed commission-adopted guidelines that stated, “Individual shoulder seasons will be proposed and adopted with definitive “sunset” dates *consistent with performance criteria review and season-setting cycles*” [emphasis added], and “...this would typically occur when three years of data are available...” (a copy of the guidelines is attached). To many, this means that if the criteria are not met after three seasons there would not be a fourth. However, because of how long seasons run and how long it takes to gather and analyze harvest data, analysis from three years of shoulder seasons is not done until August, when the fourth season is set to begin, and the printed regulations for that fourth season have been in the public eye for four months.

The process of holding a season and collecting and analyzing harvest data is involved and lengthy. Some shoulder seasons run until February 15. The annual harvest survey begins in March with calls and mailings to hunters. The process of completing calls, getting mailing returned and collecting and compiling data lasts until late June, with final data analysis completed in mid-July followed by a presentation to the commission in early August. Hunting regulations are printed and distributed in March, so by the time the August evaluation is done regulations have been out for 4 months.

As laid out in the guidelines the performance criteria evaluation for the shoulder seasons considered here would be for the 2016, 2017 and 2018 seasons, which would not end until February 2019. The normal biennial season setting cycle for the 2020 and 2021 seasons will begin in December 2019 and end in February 2020 while shoulder seasons for a fourth 2019 license year are ongoing.

In November 2017, the Commission directed FWP to seek options for immediately discontinuing a shoulder season after the 3-year evaluation in August if harvest criteria were not met. FWP recommends the commission consider at least three options. There may be more:

Option 1: Consider shoulder seasons as adopted wherein further adoption or removal would be considered in December 2019 for the 2020-2021 biennium. This would mean that the fourth and ongoing 2019 season would run until February 15, 2020. This option follows the adopted guidelines for biennial season setting and would be the least confusing to hunters. However, it does run counter to what many people have come to understand regarding a shoulder season in that it would be evaluated after 3 years and a determination made at that point whether it would continue. Shoulder seasons have been and remain controversial, so it is important that FWP listen to public input and remain transparent in management decisions.

Option 2: FWP would put notices in the body of the 2019 regulations for each shoulder season hunting district that warns hunters that the late portion of the ongoing season may be removed, or asks hunters to look for information about shoulder seasons after the August commission meeting. We would opt that any discontinuation of a shoulder season focus on the late season portion because by the time a decision is made at the August 9th commission meeting the August 15th opening of some shoulder seasons is too close to effectively get the news out to hunters. Such a regulation may look like this:

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General Elk License.

- Aug 15 - Sep 01 - Antlerless Elk. Not valid on National Forest Land or FWP WMAs.
- Sep 02 - Oct 15 - Brow-tined Bull or Antlerless Elk. Archery Only Season.
- Oct 16 - Oct 20 - Antlerless Elk. Not valid on National Forest Land or FWP WMAs.
- Oct 21 - Nov 26 - Brow-tined Bull or Antlerless Elk.
- Nov 27 - Feb 15 - Antlerless Elk. Not valid on National Forest Land or FWP WMAs. **Note: This late-season opportunity may be removed in late summer pending commission action. Go to FWP.gov or contact FWP.**

An alternative would be:

- Nov 27 – Feb 15 – Go to FWP.gov or contact FWP after August 9 to determine if there will be a late shoulder season in this hunting district.

Similar verbiage would appear on the separate shoulder seasons page in the regulations that lists shoulder season opportunities (page 10 in the 2017 regulations).

A major concern with this approach is that it will be very confusing to hunters. FWP receives many complaints about how complicated the hunting regulations are; it was a major theme brought to our attention during public scoping for the 15-and-Forward effort. The regulations are difficult enough to understand as they are without complicating them with variants of “pending” language. Moreover, some hunters will have already applied for and/or purchased licenses with the primary intention of hunting during a shoulder season. Shoulder seasons have been popular with a lot of hunters. Once these licenses are sold or drawn there must be sincere opportunity to hunt. In order to entertain the potential for some shoulder seasons to be discontinued then any shoulder season license must also have a general season opportunity.

Option 3: In August 2018 decide which hunting districts are unlikely to reach their harvest goals based on 2 years of data and end them after the third year. This option does not fully evaluate shoulder seasons. Moreover, many existing shoulder seasons have not been employed to their full extent of February 15.

In 2016, the first year of shoulder seasons, the seasons were effective in harvesting additional elk, particularly if they remained open until February 15. Sixty percent of hunting districts with a long season that ran until February 15 achieved their harvest goal. If the harvest goals for all such districts are combined, the long season harvested 95% of the needed number of total elk and 96% of cows. In contrast, only 25 percent of hunting districts with a short season that ended January 1 achieved their harvest goal. In combining goals for these districts, the short season harvested 72% of total elk needed and 68% of cows. It must be noted that it is commonly accepted that harvest during the 2016 general season was low because of mild weather, and was likewise low in the following shoulder season because of too much snow that hindered hunter access.

In FWP’s opinion, to decide whether to continue or abandon a shoulder season based on two years of data when the season type has not been fully employed is premature.

Elk Management after Shoulder Seasons

Some shoulder seasons may fail to meet their evaluation criteria and will be subsequently ended. However, this does not excuse FWP from its statutory mandate to manage elk with the intent to reach population objective; nor is FWP less committed to that end. In lieu of shoulder seasons in hunting districts that are over population objective, FWP would have to consider and propose other season types. Doubtless, there are several options, but they may include:

Antlerless-only seasons

Antlerless and spike-only seasons

Antlerless and spike-only with brow-tined bulls on permits seasons

Under Option 1, this would be determined as part of the biennial process scheduled for December 2019 – Feb. 2020 and would be implemented in the 2020 hunting season.

Under Option 2, this would be determined as part of the biennial process scheduled for December 2019 – Feb. 2020, and would be implemented in the 2020 season. It must be recognized that Option 2 would eliminate late-season (December,

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January and February) shoulder season harvests in those hunting districts where the season was discontinued, thus exacerbating an over-population problem.

Under Option 3, if it was clear a district could not meet the 3-year objective after two years, the Commission could cancel the third year of the shoulder season and implement an alternative as described above or another alternative for the 2019 season. This would require adopting an alternative during August 2019-October 2019 commission process and making additional public communications to clarify the regulation booklet. If an alternative season were not adopted for the 2019 season there would be a year without a season that addresses overpopulation in those districts where the shoulder season was abandon.

2. What is the objective of this proposed change?

The objective of this proposal is to lay out a plan that is as simple and understandable as possible for discontinuing a shoulder season in August when the printed regulations have been out for 4 months.

3. How will the success of this proposal be measured? This could be annual game or harvest surveys, game damage complaints, etc.

Success of the proposal, regardless of which option is chosen, will be determined by how well it is understood, accepted and adhered to by the hunting public.

4. What is the current population's status in relation to the management objectives?

Elk populations in most hunting districts that have shoulder seasons are over population objective. Populations in other hunting districts with shoulder seasons are problematic in their availability for harvest or distributed across multiple small ownerships making game damage or management hunts ineffective.

5. Provide information related to any weather/habitat factors, public or private land use or resident and nonresident hunting opportunity that have relevance to this change.

Not applicable for this proposal.

6. Briefly describe the contacts you have made with individual sportsmen or landowners, public groups or organizations regarding this proposal and indicate their comments (both pro and con).

It is understood that many hunters have contacted their commissioner and expressed opinions that shoulder seasons need to end after three years if criteria are not met, that there be no fourth season, as would be the case in following the adopted shoulder season guidelines. Commissioners have also expressed similar personal opinions. Following commission direction, FWP herein offers options to meet those concerns.

Submitted by: John Vore, Game Management Bureau Chief

Date: 19 November 2017

Approved: _____
Regional Supervisor / Date

Disapproved / Modified by: _____
Name / Date

Reason for Modification:

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Final Elk Season Guidelines Flexible season structure with performance-based shoulder seasons Adopted 10/08/2015 FW Commission

Introduction

These guidelines were developed to improve elk harvest management and bring more elk populations to objective. The guidelines respect and reflect private property rights and landowner decisions as well as public trust responsibilities associated with elk management. They also emphasize flexibility with outside constraints using all currently available harvest tools (existing season structures, license/permit types, game damage hunts, management seasons, and season extensions) and add A7 licenses and antlerless permits (or apply comparable restrictions in district-specific definitions of general or antlerless licenses), and performance-based shoulder seasons as options. These guidelines alone do not require implementation of any one option. Season proposals that might include one or more of these options will continue to be initiated by regional staff. If adopted these guidelines will remain in place as formal guidance for both the Fish and Wildlife Commission (“Commission”) and Fish, Wildlife and Parks staff (“FWP”) until/unless they are formally adjusted by the Commission and public review. This shall include fundamental objectives, performance criteria, and periodic Commission/public review of season performance against those elements.

A “shoulder season” here is defined as: *any firearm season printed in the hunting regulations that occurs outside the 5-week general firearm season between August 15 and February 15 in one or more hunting districts or portion(s) thereof.* Examples might include B licenses or general seasons extended early or late or additional sets of B licenses or permits valid early or late. Shoulder seasons here do not include early backcountry hunts, primitive weapon hunts, game damage hunts, management seasons, or season extensions.

Shoulder Season Intent

Shoulder seasons are designed to supplement existing harvest, not replace or reduce harvest during the existing general archery and firearm seasons. They are a management tool to support the general seasons and are not presented here or intended to be an end objective. Performance-based harvest criteria described later in these guidelines have been developed to reflect this intent, to describe the harvest necessary to reduce elk populations, and to help ensure transparent and consistent assessment of how shoulder seasons are performing. The criteria will also be used by the Commission and the Department to propose, continue, adjust, or remove shoulder seasons. If shoulder seasons do not meet established harvest criteria, they become inconsistent with their described intent and may actually exacerbate problems with elk populations and/or distribution.

Reasons to Implement, Maintain, and Remove Shoulder Seasons

These guidelines do not require shoulder seasons in any one district. FWP may propose and the commission may adopt performance-based shoulder seasons where populations have been over objective and liberal antlerless harvest seasons have been present for at least four years. In these areas the primary intent of shoulder seasons is to reduce the population to objective. In this regard, these shoulder seasons would be proposed for

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removal and so acted upon by the Commission when the district reaches objective or if the harvest criteria (see below) are not being met. These shoulder seasons must also be consistent with fundamental objectives listed below.

FWP may also propose and the commission may adopt shoulder seasons to address specific local circumstances. Examples of such local circumstances include areas where elk are absent during the general hunting season or the landscape is dominated by multiple small ownership parcels making it difficult to safely harvest elk or respond to game damage. These shoulder seasons must also be consistent with fundamental objectives listed below.

Shoulder seasons may be proposed to continue and so adopted by the Commission if:

- harvest criteria listed below are met and there is overall positive performance relative to the fundamental objectives listed below and the elk population is moving toward objective,
- local circumstances relative to landownership sizes or seasonality of elk presence are present (see above) and there is overall positive performance relative to fundamental objectives listed below, or
- broad, expressed support from landowners, sportsmen, FWP, and the Commission and there is overall positive performance relative to fundamental objectives listed below. The Devil's Kitchen Working Group represents one example of this sort of significant and diverse collaboration. While the Devil's Kitchen Working Group is not the only possible manifestation of diverse and significant support it does represent the intended level of collaboration and is identified here as a standard against which other collaborations/support will be measured.^d

Shoulder Season Placement, Timing, and Sex of Harvest

Shoulder seasons will typically be directed to private land across all or portions of an entire hunting district or group of hunting districts, except where clear boundaries necessarily include small amounts of state or federal lands. For example, a Forest Service administrative boundary may be an effective and clear boundary but might also include some peripheral Forest or BLM lands with private lands in an early shoulder season. Montana state land parcels other than FWP Wildlife Management Areas (WMAs) are another example of public lands that might be included with private lands in an early shoulder season due to the need for clear boundary definitions.

In some areas significant amounts of public land may need to be included in late shoulder seasons (outside of the archery only season) to achieve prescribed harvest if elk are expected to move off private lands such that harvest is effectively precluded. In these circumstances public land harvest will be limited where appropriate to avoid overharvesting elk on public land.

Shoulder seasons could be early and/or late and could overlap the current archery season on private land (with exception of small amounts of public land, see above).

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Shoulder seasons may include antlered and/or antlerless options (see criteria below). Where antlered harvest during shoulder seasons is needed to facilitate meeting population objectives bull harvest opportunity will be allocated via limited permits.

Shoulder Season Proposal, Adoption, and Review

The Commission and Department will conduct annual public review of shoulder season performance relative to criteria and fundamental objectives and will review shoulder seasons and associated decisions in scheduled season-setting processes. Individual shoulder seasons will be proposed and adopted with definitive “sunset” dates consistent with performance criteria review and season-setting cycles. While this would typically occur when three years of data are available any shoulder season could be reviewed and acted upon at any season-setting if circumstances warrant (reached objective, clear and likely continued failure of criteria). The sunset date will serve to remove any shoulder seasons from the remaining general season definition for that hunting district. This general season definition will then represent the status quo season entering any season setting process. This then will require a specific proposal and Commission adoption for change directly identifying and addressing any individual shoulder season to continue that shoulder season beyond its sunset date. If no such specific proposal and Commission adoption is made only the general season is included as the “status quo” for that hunting district and the shoulder season will be effectively removed. Shoulder seasons may be specifically removed before the sunset date and before three years of harvest data is acquired if objectives are met or if it is clear performance is failing the criteria and will continue to fail. Once removed, a shoulder season may be proposed again using general season harvest criteria as *entry* criteria OR there is broad, expressed support from landowners, sportsmen, FWP, and the Commission as described in criteria 6 below.^d

Shoulder Season Performance

The primary intent of a shoulder season is to help reduce the population in a hunting district or group of hunting districts. Shoulder seasons are designed to supplement existing harvest, not replace or reduce harvest during the existing general archery and firearms seasons. To reduce a population in a given year, the total harvest for all seasons combined – archery-only, 5-week general and shoulder season – must exceed the number of calves “recruited” or added into the population the previous spring. That is, annual harvest must exceed annual recruitment (annual “calf crop”). To assess shoulder season performance the following harvest criteria will be used to assess performance. This performance assessment will be used to determine whether FWP proposes to maintain or remove shoulder seasons and will also be used by the Commission in assessing the decision to maintain, adjust, or remove shoulder seasons. Annual performance information will be posted on the public website and will be part of annual reviews with the Commission and any associated season-setting process. While shoulder seasons will be focused primarily on private lands, implementation and assessment will be done at the hunting district(s) level. For the first shoulder season proposal in a specific hunting district, criteria are not used as entry criteria but are assessed in the years following implementation. While the criteria are couched in the context of three years, performance information will be posted annually for public review and the Commission may remove a shoulder season at any time it is determined criteria are not and will not be met. Subsequent shoulder season proposals in the same area would require meeting general season harvest criteria as *entry* criteria unless the proposal is otherwise consistent with fundamental objectives and enjoys broad, expressed support from landowners, sportsmen, FWP, and Commission.^d

Shoulder Season Harvest Criteria

1. During the past 3 years^a the number of bulls harvested during the archery-only and 5-week general seasons combined (not including the shoulder season) is more than half (>50%) the number of bulls recruited^{b,c} during that 3-year period **AND**

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2. During the past 3 years^a the number of cow elk harvested during the archery-only and 5-week general seasons combined (not including the shoulder season) is more than half (>50%) the number of cows recruited^{b,c} during the 3-year period **AND**
3. During the past 3 years^a total harvest of cows during all seasons combined (archery-only, 5-week general and shoulder season) is greater than the total number of cows recruited^{b,c} during the 3-year period **AND**
4. During the past 3 years^a total harvest of all elk during all seasons combined (archery-only, 5-week general and shoulder season) is greater than the total number of all elk recruited^{b,c} during the 3-year period **OR**
5. If harvest criteria have not been met due to clear and widely accepted extenuating circumstances (e.g., weather, forest fire, etc.), the shoulder season may be continued, as long as access to elk during the general season is not considered to be the main reason harvest criteria are not being met. If lack of access during the general season is the main reason for not meeting harvest criteria, then the hunting district(s) or a portion of the hunting district may, at the Commission's discretion, shift to antlerless only.

OR:

6. Other shoulder seasons not subject to the above harvest criteria are allowed if they are consistent with the fundamental objectives and have broad, expressed support from landowners, sportsmen, FWP and the Commission. The Devil's Kitchen Working Group represents one example of this sort of significant and diverse collaboration. While the Devil's Kitchen Working Group is not the only possible manifestation of diverse and significant support it does represent the intended level of collaboration and is identified here as a standard against which other collaborations/support will be measured. To ensure this standard of broad and diverse collaboration is met, the Commission shall review the nature and amount of landowner and hunter support when considering any shoulder season proposal under this guidance.^d

Fundamental Objectives

These guidelines also include "fundamental objectives" meant to describe management success and to help ensure a transparent assessment of how overall elk harvest management is progressing. Fundamental objectives address more than just population status and offer multiple metrics for the Commission to consider in their season setting decisions. Balancing private property rights and public trust management, they reflect the different concerns and values of private landowners and the general public. Given inherent different values across landowners and hunters, all fundamental objectives cannot be maximized. However, fundamental objectives can be optimized if landowner and hunter participation is sufficient to increase harvest during general and shoulder seasons in areas over objective. Shoulder seasons can only be successful at reducing elk numbers and should only be maintained in those areas where key landowners are committed to reducing elk to the identified objective. If that commitment is absent or subordinate to other interests shoulder seasons cannot be successful and fundamental objectives cannot be comprehensively addressed. Fundamental objectives are listed below and have no individual priority ranking. The intent of this proposal is for fundamental objectives to be generally achieved when shoulder season harvest criteria are met. An overall failure to meet fundamental

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objectives, or specific objectives acutely failing even while harvest criteria are met would prompt a review of harvest criteria. Status of fundamental objectives would be routinely assessed using direct measures (for example, number of districts at objective), public experiences (for example, access offered/received), and FWP field staff inputs (for example, landowner/hunter interactions).

FUNDAMENTAL OBJECTIVES

Elk considerations:

- **Manage elk populations to objective as rapidly as possible.**
- **Increase harvest of elk, where appropriate.**

Hunter and landowner considerations:

- **Address problematic distributions of elk and elk harvest.**
- **Enhance free public access to bulls and cows on private land during the general seasons.**
- **Reduce exclusive access to elk.**
- **Enhance landowner flexibility to manage elk hunting on their property.**
- **Reduce game damage.**
- **Reduce hunter impacts on landowners (e.g., cost of hiring additional staff, loss of productivity, property damage from hunters, etc.).**
- **Simplify rules and regulations.**

Logistical considerations:

- **Balance statewide consistency with local flexibility of regulations, rules, and policies.**
- **Keep staff time and cost down.**

^a To account for annual variability in hunting conditions that might affect harvest and to account for variability in recruitment rates, a moving 3-year window is used with recruitment and harvest summed across those three years. While criteria identify a 3-year window, the Commission may remove any shoulder season any time it is determined criteria are not and will not be met.

^b This applies if elk are present during the archery-only and 5-week general season. The intent is that most of the total annual harvest from all seasons combined occurs during the archery-only and 5-week general season and that shoulder season harvest adds to this rather than replaces it. Therefore, a number of bull elk and antlerless elk that is more than half the annual bull and cow recruitment, respectively, must be taken each year during the combined archery-only and 5-week general seasons. Harvest criteria for both bulls and cows must be met in order to propose maintaining any shoulder season unless it is broadly supported (see criteria 6 above). Once a shoulder season is removed from the regulations general season harvest criteria must be met before any shoulder season is re-proposed unless it is broadly supported (see criteria 6 above). Any proposed bull harvest during a shoulder season must be consistent with management objectives, must be by permit only and must meet the need to reduce bulls in areas that are over objective.

^c “Recruitment” is the estimated number of 11-12 month old calves in the population in late winter or spring. Annual recruitment for both bulls and cows will be determined by the area biologist using best available data. To estimate the total number of cow and bull calves recruited s/he will need:

- Survey data or another estimator of herd size and composition
- An estimate of sightability

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- An estimate of bull:cow ratio among 11-12 month old calves

Example: Using herd count and composition data and adjusting for sightability, a biologist estimates that during the past three years a total of 300 (an average of 100 per year) 11-12 month old calves were recruited. Using check station data, information from wildlife literature, or other data it was estimated that 60%, or 180, of the calves were cow calves and 40%, or 120, were bull calves. Using harvest survey point estimates more than half of the number of animals, or more than 90 cows (an average of 30 per year) and 60 bulls (an average of 20 per year), had to be taken during the combined archery-only and 5-week general seasons over that same three year period. In addition, at least 180 cow elk (an average of 60 per year) and at least 300 total elk (an average of 100 per year) had to be taken during all seasons combined (archery-only, 5-week general and shoulder season) to justify continuing the shoulder season.

^dThe intent is to expand the opportunity to address elk numbers and distribution problems that have not been effectively addressed with this or other season structures. It is not the intent to create an opportunity to continue shoulder seasons in districts where lack of reasonable public harvest opportunities during the general season is the primary cause of elk numbers exceeding population objectives.